

IN RE: PETITION FOR ZONING VARIANCE
SS Dunhill Road 550' W
of Dunhill Road
12th Election District
7th Councilmanic District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-163-A

Robert D. Hughes Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 to allow an accessory structure (pool deck) with a side yard setback of 4 inches in lieu of the required 2 feet, 6 inches, as more particularly described in Petitioners' Exhibit 1.

The Petitioners, Mr. and Mrs. Robert D. Hughes, Jr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 6805 Dunhill Road, consists of 5,760 square feet +/-, zoned D.R.5.5., and is improved with an existing single family dwelling, accessory garage, and a 24x12 foot oval pool with attached deck which is at issue here.

The Petitioners testified that they constructed the subject deck without knowledge that they were in violation of the Baltimore County Zoning Regulations (B.C.Z.R.). They testified that their adjoining neighbor has no objection to the subject deck or pool.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare

of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of November, 1989 that the Petition for a Zoning Variance to allow an accessory structure (pool deck) with a side yard setback of 4 inches in lieu of the required 2 feet, 6 inches, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Mr. and Mrs. Robert D. Hughes, Jr.
6805 Dunhill Road
Baltimore, Maryland 21222

RE: Petition for Zoning Variance
Case No. 90-163-A

Dear Mr. and Mrs. Hughes:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

November 24, 1989



Dennis P. Haines
County Executive

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-163-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (pool deck) with a side yard setback of 4 inches in lieu of the required 2 feet, 6 inches.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Undesirable hardship or practical difficulty)
- 1) The only place the pool could sit due to limited space, and the roots from a large tree would not interfere as much.
 - 2) The only practical place for the deck to sit, because on the side of the pool stand a very large tree, which would keep the deck in the shade.
 - 3) The deck is located in the safest spot. If we had to put it at the top of the pool it would run into the deck off of the house, and our 18 month child could walk right into it.
- Property is to be posted and advertised as prescribed by Zoning Regulation.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):
Robert D. Hughes, Jr.
Type or Print Name
Signature
Rhonda L. Hughes
Type or Print Name
Signature

Contract Purchaser:

(Type or Print Name)

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

6805 Dunhill Rd. 282.4464
Address Phone No.

Baltimore, Md. 21222
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Robert D. Hughes
Name

6805 Dunhill Rd. 282.4464
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day

of 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of 1989, at 2:00 o'clock

County, on the 9th day of 1989, at 2:00 o'clock

ESTIMATED LENGTH OF HEARING (1/2 HR)
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: J. Robert Haines DATE 2-25-89

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 10/24/89
Posted for: Variance
Petitioner: Robert D. Hughes, Jr. et ux
Location of property: 6805 Dunhill Rd., 282.4464
Location of Sign: 6805 Dunhill Rd., 282.4464
Remarks: on property of lot owner
Posted by: J. Robert Haines
Date of return: 10/27/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 13, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 12, 1989.

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

PO 17275
reg 1134343
so 90-163-A
price \$4531

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

October 12, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Regs. Case #90-163-A - P.O. #17276 - Reg. #34242 - 88 lines @ \$44. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 13th day of October 1989; that is to say, the same was inserted in the issues of October 12, 1989

Kimbel Publication, Inc.

per Publisher.

By K.C. Orlov

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OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

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Kimbel Publication, Inc.

per Publisher.

By K.C. Orlov

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10/17/89



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Robert D. Hughes, Jr.
6805 Dunhill Road
Baltimore, Maryland 21222

Re: Petition for Zoning Variance
CASE NUMBER: 90-163-A
SS Dunhill Road, 550' W Dunhill Road
6805 Dunhill Road
12th Election District - 7th Councilmanic
Petitioner(s): Robert D. Hughes, Jr., et ux
HEARING: THURSDAY, NOVEMBER 9, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Hughes:

Please be advised that \$ 114.31 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001 6150
Number

receipt
No 255

90-163

M9000986

11/09/89
PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$114.31
TOTAL: \$114.31
LAST NAME OF OWNER: HUGHES, JR.

B 119*****114311a F138F

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 26, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-163-A
SS Dunhill Road, 550' W Dunhill Road
6805 Dunhill Road
12th Election District - 7th Councilmanic
Petitioner(s): Robert D. Hughes, Jr., et ux
HEARING: THURSDAY, NOVEMBER 9, 1989 at 2:00 p.m.

Variances To allow an accessory structure (pool deck) with a side yard setback of 4 inches in lieu of the required 2 feet, 6 inches.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

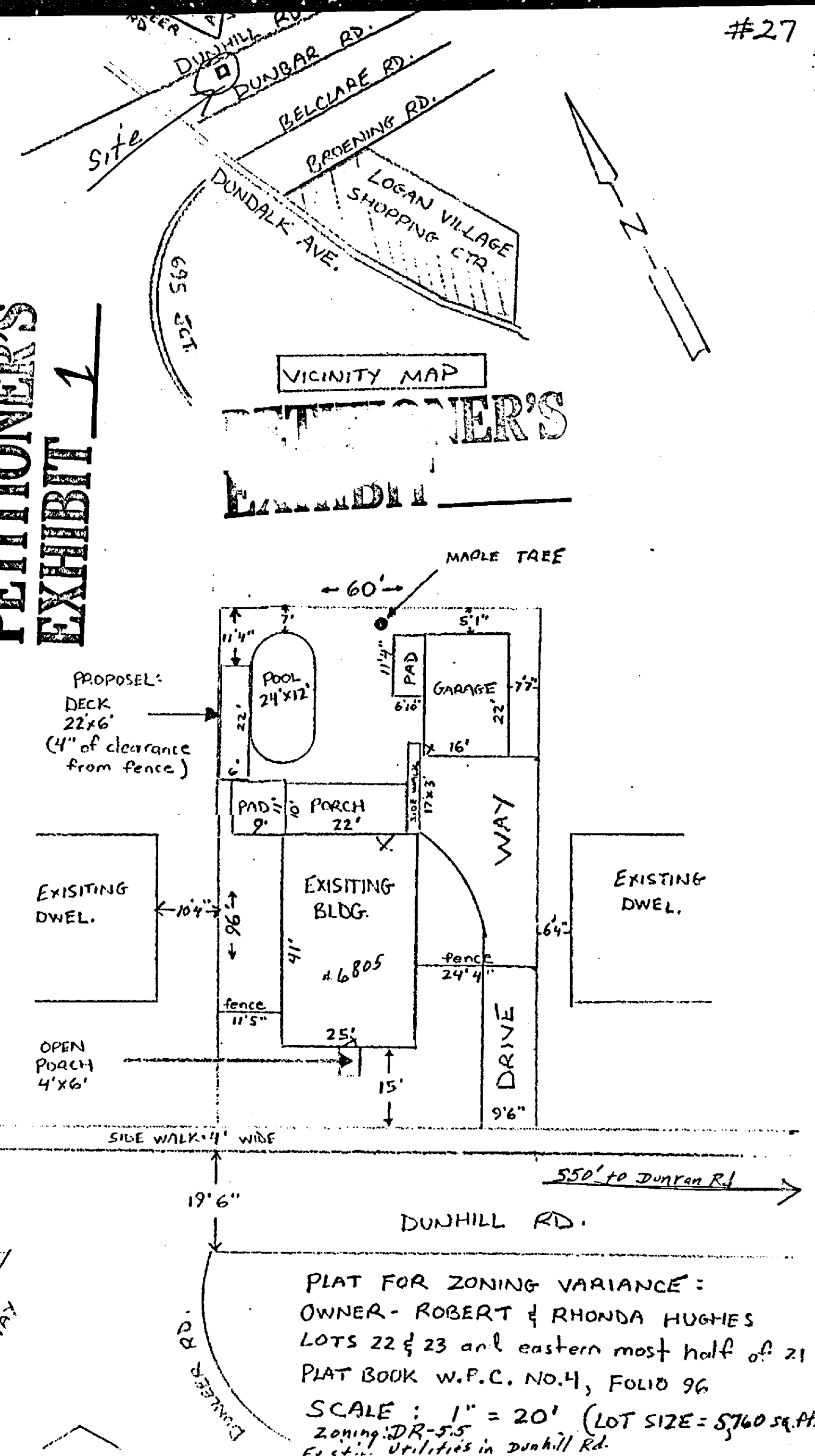
J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Mr. & Mrs. Hughes
File

PETITIONER'S
EXHIBIT 1



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Mr. & Mrs. Robert D. Hughes, Jr.
6805 Dunhill Road
Baltimore, MD 21222

RE: Item No. 27, Case No. 90-163-A
Petitioner: Robert D. Hughes, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Hughes:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman

Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

9th day of August, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert D. Hughes, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 31, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert D. Hughes, Jr., Item 27
Zoning Petition No. 90-163

The Petitioner requests a Variance to allow a reduced setback for an accessory structure.

In reference to this request, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl
ZP90/163

11/1/89 mailed copies jw

NOV 01 1989

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

AUGUST 11, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT D. HUGHES, JR.

Location: #6805 DUNHILL ROAD

Item No.: 27 Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved *Capt Wm. Bragg*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

AUG 16 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989

ZONING OFFICE



Dennis F. Rasmussen
County Executive

August 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw